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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/909,001	08/08/1997	FULPS VINCENTINUS VERMEER	CASE-2	1102

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SYNNESTVEDT & LECHNER LLP-AGERE  
1101 MARKET STREET  
SUITE 2600  
PHILADELPHIA, PA 19107-2950

EXAMINER

TRAN, PABLO N

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	08/909,001	VERMEER, FULPS VINCENTINUS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Pablo N. Tran	2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. The amendment filed 05/22/06 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Regarding claims 1 and 6, the new subject matters, "begins providing a visual indication" and "begins".

Regarding claim 11, the new subject matters, "begins" and begins".

Accordingly, the amendment is not entered. Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one

Art Unit: 2618

skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1 and 6, new subject matter, "begins providing a visual indication" and "begins" was not disclosed in the specification as originally filed.

Regarding claim 11, the new subject matters, "begins" and begins" was not disclosed in the specification as originally filed.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4, 6-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huttunen et al. (5,903,850) in view of Mallien, II (4,122,304).

As per claims 1-2 and 4, Huttunen et al. disclose a wireless terminal comprising an antenna (fig. 7/no. 2,32), a radio (fig. 7/no. 1,31), a cable (fig. 2/no. 6,8, fig. 4/no. 6,38) that is detachably connected to said radio and that is also connected to said antenna for carrying an RF signal (fig. 2/no. 9, fig. 4/no. 39) and for carrying a baseband signal (fig. 2/no. 10, col. 3/ln. 20-30) from said radio to said indications (col. 3/ln. 20-col. 6/ln. 12).

Huttunen et al. disclose data tx/rx and control signals (col. 5/ln. 50-59) but do not specifically disclose a transmitting visual indicator that begins providing a visual indication to a user of said wireless terminal when a radio begins transmitting. Mallien, II discloses such indicator that indicates to a user of said terminal when a radio is transmitting (col. 8/ln. 20-27, also see BPAI's decision, especially page 11, line 16-page 12, line 1). Therefore, it would have obvious to one of ordinary skill in the art at the time to provide a transmitting indicator of Mallien, II to the mobile phone of Huttunen et al. in order for the user to easily determine the status of the call at any given time.

As per claims 6-7 and 9, as stated above in claim 1, Huttunen et al. silent about a receiving visual indicator that begins providing a visual indication to a user of said wireless terminal when a radio begins receiving. Mallien, II discloses such receiving indicator that indicates to a user of said terminal when a radio is receiving (col. 8/ln. 16-26, also see BPAI's decision, especially page 14, line 20-page 15, line 10). Therefore, it would have obvious to one of ordinary skill in the art at the time to provide a receiving indicator of Mallien, II to the mobile phone of Huttunen et al. in order for the user to easily determine the status of the call at any given time.

6. Claims 5 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huttunen et al. (5,903,850) in view of Mallien, II (4,122,304) and further in view of Oliver (4,890,102).

As per claims 5 and 10-11, as stated above in claim 1, Huttunen et al. in view of Mallien, II suggest a visual indicator whether for transmitting or receiving status but not a second visual indicator for such Tx/Rx operating status. However, such is well known

Art Unit: 2618

in the art as taught by Oliver (fig. 1/no. 26 (XMT) and no. 28 (RCV)). Therefore, it would have been obvious to one of ordinary skill in the art to provide two indicators to the modified mobile phone of Huttunen et al. in order for the user to easily determine the Tx/Rx operating status of the given call at any time.

7. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huttunen et al. (5,903,850) in view of Mallien, II (4,122,304) and further in view of Stein (5,628,055).

As per claim 3 and 8, Huttunen et al. in view of Mallien, II teaching lack said radio is integral to a PC radio card. Stein discloses said radio is integral to a PC radio card (fig. 10/no. 131). Therefore, it would have obvious to one of ordinary skill in the art at the time to provide a modular radio communications system as taught by Stein to the mobile phone of Huttunen et al. in view of Mallien, II. in order to enable PC readily radio communicate with other networks.

### ***Response to Arguments***

8. Applicant's arguments filed 05/22/06 have been fully considered but they are not persuasive.

The Applicant's stated that, "by this amendment, filed 05/22/06, it is submitted that each of the independent claims patentable define over the cited references". In response to the Applicant, as stated in the BPAI's decision (page 11, line 16-page 12, line 1, page 14, line 20-page 15, line 10), Mallien teaches that indicator light is

illuminated to indicate to the user that the wireless terminal is transmitting (also see BPAI's decision, page 14, line 20-page 15, line 10, for receiving indicator).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
10. Information regarding the status of an application may be obtained from the

Art Unit: 2618

Patent Application Information Retrieval (PAIR) System. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-directauspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PABLO N. TRAN  
PRIMARY EXAMINER

July 11, 2006

A handwritten signature in black ink, appearing to be 'P. N. Tran', with a large loop at the start and a long horizontal stroke extending to the right.

08/26/08